REMARKS

1. Preliminary Remarks

Claims 1 to 393 remain pending in this application. Claims 362-369 and 373-376 were rejected in the Office Action of July 26, 2004. Claims 362-369, 373-374 and 376 were rejected under 35 U.S.C. §102 as anticipated by Crain U.S. Patent Application Publication No. US 2003/0148941 A1 ("Crain '941"). Claims 362-369 and 373-376 were rejected under 35 U.S.C. §102 as anticipated by Dante et al. U.S. Patent No. 5,856,332 ("Dante '332") or Dante et al. U.S. Patent No. 5,817,665 ("Dante '665").

Claims 1 to 361, 370 to 372, and 377 to 393 were previously withdrawn from consideration as being drawn to a nonelected invention. Applicant reserves the right to pursue claims 1 to 361, 370 to 372, and 377 to 393 in one or more divisional or continuation applications.

Claims 362, 364, and 373 have been amended to recite compositions comprising an amount of an opioid inhibitor of an ABC drug transporter or an opioid receptor antagonist, where the amount is in the range of from 3 ng/kg to 3000 ng/kg. The amended claims are supported throughout the specification, including Example 6.

2. Rejection Of Claims 362-369, 373-374 and 376 Under 35 U.S.C. §102 Based on Crain '941

Claims 362-369, 373-374, and 376 were rejected under 35 U.S.C. §102 as anticipated by Crain '941. Applicant submits that Crain '941 does not anticipate the claims because Crain '941 does not suggest or teach compositions comprising a non-opioid CNS-active agent and an opioid inhibitor of an ABC drug transporter or an opioid receptor antagonist.

The Office Action states that Crain '941 teaches a combination of tramadol with the opioid antagonist naltrexone and asserts that tramadol is a non-opioid CNS active agent. The Office Action is incorrect since tramadol is disclosed in the present application as an opioid receptor agonist. The application states, "Opioid receptor

agonists according to the present invention include: . . . tramadol . . . ." (page 13, lines 30-31 and page 14, line 11). Hence, the combinations of tramadol and naltrexone relied upon by the Office Action do not anticipate claims 362-369 and 373-374 and 376.

3. Rejection Of Claims 362-369, 373-374 and 376 Under 35 U.S.C. §102 Based on Dante '332 or Dante '665

Claims 362-369 and 373-376 were rejected under 35 U.S.C. §102 as anticipated by Dante '332 or Dante '665. Applicant submits that the Dante references do not anticipate the claims as amended herein. Dante '332 and Dante '665 do not teach or suggest compositions comprising a non-opioid CNS-active agent and an amount of an opioid inhibitor of an ABC drug transporter or an opioid receptor antagonist, where the amount is in the range of from 3 ng/kg to 3000 ng/kg. To the contrary, the Dante references disclose compositions having much higher amounts of opioid antagonists.

The Dante references disclose administering an opioid antagonist to a patient, generally in the range of 10-150 mg per day (see, e.g., Dante '665, col. 3, lines 10-13 and 31-33), and "larger doses may be given if tolerated well by the patient, as needed." (Dante '665, col. 3, lines 33-34). The Dante references also disclose the use of 25 mg or 50 mg doses of Trexan® naltrexone, a commercially available naltrexone composition.

The Dante references do not disclose an amount in the range of from 3 ng/kg to 3000 ng/kg as claimed. Compositions having 10-150 mg naltrexone as disclosed by Dante are unsuitably high for the claimed range of from 3 ng/kg to 3000 ng/kg. For example, the lowest amount of naltrexone disclosed in Dante is the 10 mg dose, which is equal to 10,000,000 ng. Dante's 10 mg naltrexone amount cannot provide dosing of 3000 ng/kg, because that would require a patient body weight of about 3,300 kg (about 7,200 pounds).

In contrast, the present claims 362-369 and 373-376 relate to novel compositions comprising a non-opioid CNS-active agent and an amount of an opioid inhibitor of an ABC drug transporter or an opioid receptor antagonist where the amount is in the range of from 3 ng/kg to 3000 ng/kg. Such compositions are not disclosed or suggested by

of from 3 ng/kg to 3000 ng/kg. Such compositions are not disclosed or suggested by the prior art. Accordingly, Applicant submits that claims 362-369 and 373-376 as amended are in condition for allowance.

On a different but related point, Applicant wishes to respond to certain statements in the Office Action. The Office Action states that "Mole concentrations (i.e. 0.0001 μM to 100 μM) are easily converted to grams measurement based on grams to mole conversion rule (i.e. grams of the substance/moles of the substance=molar mass of the substance in grams/one mole)." (Office Action, page 3). Applicant respectfully submits that the Office Action overlooked that molar concentrations reflect moles per liter, not just moles. As a result, the Office Action is inaccurate in stating that "100 μM of NTX can be substituted with 34.14 mg". Instead, 100 μM of NTX can be substituted with 34.14 mg per liter. This point bears on the Office Action's rejection based on the Dante references because the Dante references do not suggest or teach compositions comprising an amount of an opioid receptor antagonist in the range of 0.0001 μM to 100 μM.

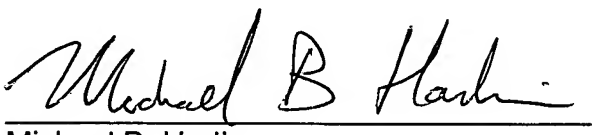
4. Conclusion

For the foregoing reasons, Applicant respectfully submits that the pending claims are not anticipated by Crain '941, Dante '332 or Dante '665, or by any combination of them, and that the anticipation rejections may properly be withdrawn. Thus, claims 362-369 and 373-376 are in condition for allowance.

The Examiner is invited to telephone Applicant's representative to discuss any questions or be of any assistance to the Examiner in the reconsideration and allowance of this case.

Respectfully submitted,

Date: January 26, 2005



Michael B. Harlin
Registration No. 43,658

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100